



Missouri  
Department of  
Natural Resources

DAM AND RESERVOIR SAFETY COUNCIL MEETING  
DEPARTMENT OF NATURAL RESOURCES  
ROLLA REGIONAL CENTER, ROLLA, MISSOURI

June 22, 2005

John Boyer, Acting Chairman of the Dam and Reservoir Safety Council, called the meeting to order at 11:00 a.m. in the Multi-purpose room of the Rolla Regional Center in Rolla, Missouri.

Council members present were Jeff Cawlfeld, John Boyer, Zoretta Schoonover and Richard Freuh. Members of the Water Resources Program (WRP) present were Jim Alexander, Tammy Theilen, Glenn Lloyd, Bob Clay and Paul Simon. Representing the Attorney General's Office was Dan Massey, Assistant Attorney General and Mimi Garstang, Division Director, Geological Survey and Resource Assessment Division.

**INTRODUCTION OF GUESTS**

Guests present were Clarence Schoonover. Mr. Boyer invited questions and comments as they had input into the meeting.

**ELECTION OF FY06 OFFICERS**

The election of officers has been postponed until the September 2005 meeting. In the absence of council chairperson Mary Hagerty, John Boyer was selected to chair the meeting.

**MINUTES OF THE MARCH 2, 2005 COUNCIL MEETING**

John Boyer asked if anyone had any comments regarding the March 2, 2005 council meeting minutes. Richard Freuh made a motion to accept the minutes of the March 2, 2005 meeting as written. Jeff Cawlfeld seconded the motion and the motion passed.

**STATUS OF PERMITS**

Mr. Alexander told the council that his presentation was prepared with the new council member in mind. However, Gerald Engemann was unfortunately unable to attend the meeting. This same presentation was made to the DNR Director's Office to explain the functions of the Water Resource Program as part of the ongoing effort to reorganize the department. He explained that this would help the council to get an understanding of the overall program and how the Dam Safety unit fits in.

As part of the presentation, the council was updated on the number of permits that the program has issued since the last meeting, the new dams that are currently under construction, and where the program stands with regard to bringing the total number of regulated dams into compliance.

## **AGRICULTURAL EXEMPTIONS**

***McCartney Dam –Schuyler County*** – Bob Clay gave the council a presentation on the agricultural exemption request for the McCartney Dam. He reviewed with the council the definition of an agricultural exemption and explained the construction history of the dam. Prior to building the dam, a construction permit application was submitted for review. This resulted in a construction permit being issued to build the dam on July 8, 2002. Upon completion of the dam, the owner decided to apply for an agricultural exemption instead of a safety permit. Based on a site visit made by the staff to review the agricultural exemption request, it was the recommendation of the staff that the exemption be granted. The exemption request issue was then opened to the council for discussion.

Mr. Boyer commented that the owner indicated that he pumped water from the lake into a watering trough for the livestock. Mr. Boyer asked if a watering trough had been seen at the time of the inspection. Mr. Clay replied he had not seen one. Mr. Cawlfeld pointed out that, in the memo included in their council information, it was noted that water was being pumped into a watering tank. Mr. Clay replied that he had not observed the pumps or pipes required to transport the water to a tank facility. However, the cattle do have direct access to the lake for watering purposes.

Mr. Massey advised that prior to making a decision on the exemption request, the council go into closed session to discuss any legal matters that may exist. However, since the council would be hearing additional exemption requests, they may want to hear them all before they adjourned into closed session. The council chose to continue on with the additional requests.

***Brown Dams #1, #3 and #4 – Atchison County*** – Mr. Clay gave a brief history of the dams. He showed where the dams were located and what they would impact should the dams fail. He also told commented that these dams were built prior to us doing the site visit.

Mr. Clay commented that the owner does water his livestock from these lakes and this is the basis for these requests. At the time of the staff site visit, the owner had 100 head of cattle and that they had direct access to the lakes for their water supply.

Mr. Massey recommended that the council adjourn to close session to discuss attorney-client privileged matters.

## **ADJOURN OPEN SESSION**

Mr. Boyer asked for a motion to go into closed session. Mr. Freuh made a motion that the council go into closed session at this time for the purpose of discussing confidential and privileged matters with the council's attorney pursuant to Section 610.021 RSMo.

Mr. Cawlfeld seconded the motion.

It has been moved and seconded that the council meet in closed session at this time for the purpose of discussing confidential and privileged matters with the council's attorney pursuant to Section 610.021, RSMo. A roll call vote was made.

Jeff Cawlfeld, yes; Richard Freuh, yes; Zoretta Schoonover, yes and John Boyer, yes.

### **[CLOSED SESSION CONVENED]**

### **RECONVENE OPEN SESSION**

The open session of the June 22, 2005 Dam and Reservoir Safety Council meeting was reconvened for the purpose of making a decision on how to proceed with the McCartney Dam agricultural exemption and the Brown Dam #1, #3 and #4 agricultural exemption requests.

Mr. Boyer asked if anyone wanted to discuss the agricultural exemption request for the McCartney Dam. Mr. Cawlfeld made a motion to issue the agricultural exemption for the McCartney Dam. Mrs. Schoonover seconded the motion and it passed.

Mr. Boyer asked if anyone wanted to discuss the agricultural exemption requests for the Brown Dams #1, #3 and #4. Mr. Freuh made a motion to approve the agricultural exemption requests for the Brown Dams #1, #3 and #4. Mrs. Schoonover seconded the motion and it passed.

### **FY-2006 BUDGET**

Mr. Boyer asked for an update on the budget. Mimi Garstang explained that the division is in the final month of the fiscal year. She reported that our division lost 14 full time positions last year, seven of those positions coming from the Water Resources Program. She commented that the loss of positions in this program was not a reflection of the work of the program not being important but that we had the most general revenue. She explained that there is a lot of uncertainty in the coming fiscal year based on the ongoing efforts being made by both the DNR Director's Office and the Governor's Office both wanting to reorganize the department.

### **FINANCIAL DISCLOSURE STATEMENTS**

Mr. Alexander reminded the council that if they have not already sent their financial disclosures in, they are now late and subject to penalties.

### **DATE AND LOCATION OF NEXT COUNCIL MEETING**

The next meeting of the Dam and Reservoir Safety Council will be September 7, 2005 at 10:00 a.m. at the Geological Survey and Resource Assessment Division multi-purpose room in Rolla, Missouri.

### **VOTE TO GO INTO CLOSED SESSION AT THE BEGINNING OF THE NEXT MEETING**

Mr. Freuh made a motion that the Dam and Reservoir Safety Council meet in closed session at 10:00 a.m. on September 7, 2005 at the next regular council meeting for the purpose of discussing personnel actions, legal actions, causes of action, or litigation, confidential and privileged matters with the council's attorney, testing and examination, personnel records or applications or records which are otherwise protected from disclosure by law as provided for in Section 610.021, RSMo.

Mr. Cawlfieid seconded the motion. Roll Call vote: Richard Freuh, yes; Jeff Cawlfieid, yes; Zoretta Schoonover, yes and John Boyer, yes. Motion carried to move into closed session at the meeting on September 7, 2005.

**MEETING ADJOURNED**

Mr. Freuh made a motion to adjourn the meeting. Mr. Cawlfieid seconded the motion and it passed.

Respectfully Submitted,

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Tammy Theilen